



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,128	10/29/2003	Martha A. Dempsey	13277-4	7241
33772	7590	06/03/2005	EXAMINER	
MCDONALD HOPKINS CO., LPA 2100 BANK ONE CENTER 600 SUPERIOR AVENUE, E. CLEVELAND, OH 44114-2653			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,128	DEMPSEY, MARTHA A.	
	Examiner	Art Unit	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 May 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,5-8,10-12,14,15 and 17-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,5-8,10-12,14,15 and 17-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

This is a non-final Office Action for application number 10/696,128 Product Display, filed on 10/29/03. Claims 1, 3, 5-8, 10-12, 14, 15, 17-20 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/05 has been entered.

Claim Rejections - 35 USC § 102

Claims 1, 3, 5-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 415552 to Orr.

The patent to Orr discloses a front panel (4) having a front portion and a back portion and an opening therethrough, a bottom panel (2) connected to the front panel (4), a back panel (3) connected to the bottom panel (2), the front panel (4) including a brace section (8) connected to the front panel along the edge of the opening and connected to the back panel and the brace section including a flap (9), the flap (9) being bent and extending downwardly from the brace section (8) and toward the back portion

of the front panel (4) and wherein the flap (9) contacts the front panel below the opening and provides a spring biasing force on the back of the front panel. Orr teaches that the back panel includes at least one notch (f) and wherein the brace section includes a support tab (tip of 8), the tab and notch which are releasably engageable to connect the brace section to the back panel.

Orr can also be interpreted as follows:

Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 415552 to Orr.

Orr discloses a front panel (2) having a front portion and a back portion and an opening (5, 5, 6, create opening) therethrough, a bottom panel (4) connected to the front panel (2), a back panel (3) connected to the bottom panel (4) and the front panel (2), a flap (9) extending from the bottom panel upward and toward the front panel (2) wherein the flap (9) is capable of contacting the front panel below the opening and provides a spring biasing force on the back portion of the panel so as to hold the goods in the opening.

Orr can also be interpreted as follows:

Claims 15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 415552 to Orr.

Orr discloses an elongate sheet (2, 3, 4) having first , second, third and fourth transverse score lines, the first score line (between 2 and 4) being bent to form a front

panel (4) having a front portion and a back portion and a bottom panel (3), the second score (a) line being bent to form a back panel (3) and the third score line on the front panel being bent to form a brace section (8), the brace section when bent defines an opening on the front panel (4), the fourth score line on the brace section being bent to form a flap (9) that extends downwardly from the brace section and towards the back portion of the front panel, wherein the flap is capable of contacting the front panel and provides a spring biasing force on the back portion of the front panel, a connecting means for connecting the brace section to the rear panel and a connecting means including a support tab (tip of 8) on the brace section and at least one notch (f) on the rear panel.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823

Art Unit: 3632

(informal amendments/communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
5/24/05


KIMBERLY WOOD
PRIMARY EXAMINER